

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

*105 JAN 25 P 3:21*  
CIVIL ACTION NO. 04CV11965JLT

U.S. DISTRICT COURT  
DISTRICT OF MASS

**ANSWER OF AGA FISHING CORP. TO COMPLAINT FOR  
"DECLARATORY JUDGMENT"**

### (The Parties)

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.

### **(Jurisdiction)**

6. No response necessary.

### (Facts and Allegations)

7. Admitted.  
8. Admitted.

9. Defendant does not have sufficient information to either admit or deny the extent of plaintiff's injuries but does admit that plaintiff has not yet achieved maximum medical improvement. Accordingly to the extent not admitted defendant calls upon plaintiff to prove the balance of the allegations of Paragraph 9.

10. Admitted.

11. Admitted.

12. The subject policy speaks for itself.

13. The subject policy speaks for itself.

14. The subject policy speaks for itself.

15. Defendant admits that Capaldi has so contended.

16. Defendant admits that Capaldi has so contended.

17. Admitted.

18. Admitted.

19. Admitted.

20. The policies speak for themselves.

21. Admitted.

22. Admitted.

#### **AFFIRMATIVE DEFENSES**

1. A settlement of all claims of Capaldi versus plaintiffs has been achieved as has a settlement in the action bearing Civil Action No. 04-10755-JLT. Accordingly Plaintiff's "Complaint for Declaratory Judgment" is moot.

WHEREFORE defendant, AGA Fishing Corporation, prays that this Honorable Court dismiss the complaint for declaratory judgment, with prejudice.

Dated: January 21, 2005

The Defendant,  
AGA Fishing Corporation,  
By their attorney,  
JOSEPH G. ABROMOVITZ, P.C.

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#### CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, counsel for the plaintiff, hereby certify that on the 21<sup>st</sup> day of January, 2005 I served a copy of the within document via postage prepaid mail to the following counsel of record:

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Joseph G. Abromovitz